

AB 1825 - Sexual Harassment Prevention Training

AB 1825 requires that by January 1, 2006, an employer having 50 or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005, and to all new supervisory employees within six months of their assumption of a supervisory position.

It has been determined by the Department of Fair Employment and Housing (DFEH) that AB 1825 is applicable to all State of California Boards and Commissions. In this instance, the State is an employer and board/ commission members are "supervisory employees." A supervisor, under the law, is any individual having the authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline employees, or effectively recommend that action. Since Board and Commission members make those kinds of decisions, it has been interpreted that Board/Commission members are "supervisory employees" and that the law is applicable to such Board and Commission members.

All new Board and Commission members must complete the required training within six months of their assumption of office.

The Equal Employment Opportunity (EEO) Office is responsible for ensuring that all Board and Commission Members meet the AB 1825 requirement.

The EEO Office is in the process of contracting with a vendor to provide on-line training for Board and Commission members. You will be notified when the on-line training is available.

If you have already completed the required AB 1825 training, please forward a copy of your certificate or proof of training to Hilda Youngblood, Manager of the EEO Office and identify which Board/Commission you serve on.

If you have any questions or need additional information, Ms. Youngblood's contact information is listed below.

Hilda Youngblood, Manager
Equal Employment Opportunity (EEO) Office
1625 N. Market Blvd., Suite N330
Sacramento, CA 95834
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(916) 275-4935 - Cell
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Department of Consumer Affairs

Policy & Procedures

SUBJECT: NON-DISCRIMINATION	SUPERSEDES: EEO 01-03	POLICY # EEO 04-01
TITLE SEXUAL HARASSMENT PREVENTION POLICY	EFFECTIVE: IMMEDIATELY	PAGE: 1 of 9 ATTACHMENTS: DCA 99K-60 DCA 99K-70 DCA 99K-80
DISTRIBUTE TO: ALL EMPLOYEES	APPROVED BY:: CHARLENE ZETTEL, Director Department of Consumer Affairs	
ISSUE DATE: March 30, 2004		

Introduction

Employees have a right to work in an environment that is free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of sex discrimination, prohibited by State and Federal law. All governmental officials and employees are expected to take proactive steps to vigorously and visibly demonstrate their support for a harassment-free work place and their strong disapproval of sexually harassing conduct and/or behavior.

Under the Fair Employment and Housing Act (FEHA), employers are strictly liable for the sexually harassing acts of their supervisors, managers, or agents (Government Code Section 12940). Under Federal law, employers are held strictly liable for “quid pro quo” harassment.

Policy

It is the policy of the Department of Consumer Affairs (DCA) to provide a work environment free from all forms of sexually harassing conduct and/or behavior.

Sexual harassment, which includes gender identity harassment and harassment based on sexual orientation, is prohibited. Departmental policy requires that all employees and non-employees assume responsibility for maintaining a work environment free from any harassing conduct.

Applicability

This policy applies to all governmental officials and employees of DCA, and any of its divisions, bureaus, boards and other constituent agencies.

Purpose

The primary purpose of DCA’s sexual harassment prevention policy is to prevent inappropriate conduct that constitutes sexual harassment and to provide a work environment free of harassment. Employees are expected to adhere to a standard of conduct, and managers and supervisors are expected to enforce conduct, that is respectful of all persons within the work environment.

All employees should be made aware of the seriousness of violations of the sexual

harassment prevention policy. Managerial and supervisory personnel should be educated about their specific responsibilities. Rank and file employees should be cautioned against using peer pressure to discourage harassment victims from using the internal complaint procedures available to them.

Zero Tolerance Policy

It is the policy of the DCA to provide a safe work environment free from sexual harassment. Sexual harassment, and any form of sex discrimination including harassment based on gender or sexual orientation *will not be tolerated* by DCA. Such behavior will be addressed seriously and appropriate corrective action(s) taken. A “zero tolerance policy” means working to prevent inappropriate behavior, so corrective action, up to and including formal discipline, will be taken when policy violations occur, even if they are not so serious as to be unlawful. For example, even though an inappropriate sexual comment does not in itself rise to the level of creating a hostile work environment under the law, such a comment is unacceptable in the workplace, violates DCA’s Zero Tolerance Policy, and will be subject to corrective action.

Employees may report incidents of this nature without fear of reprisal or retaliation. Reporting incidents of sexual harassment will not result in reprisal/retaliation against employees being harassed. Persons determined to have committed acts of reprisal/retaliation are subject to disciplinary action.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way to avoid or limit damages if harassment should occur despite preventative efforts.

Authority

- Title VII of the Civil Rights Act of 1964
- California Government Code Sections 12925-12928
- California Government Code Sections 12940-12951
- California Government Code Sections 19700-19706
- California Fair Employment and Housing Act, commencing with Government Code Section 12900 et seq.
- California Civil Code Sections 51.9 and 52
- California Executive Order B-54-79
- 29 Code of Federal Regulations Section 1604.11
- Penal Code Section 422.76

Section 12926 of the Government Code has been amended to expand the prohibition on sexual discrimination and harassment by including gender, as defined, in the Sex and Gender section of this policy.

Section 12949 has been added to the Government Code to read: “Nothing in this part relating to gender-based discrimination affects the ability of an employer to require an employee to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of state or federal law, provided that an employer shall allow an employee to appear or dress consistently with the employee’s gender identity.”

Definition of Sexual Harassment

Sexual harassment is generally defined as unsolicited, unwanted and unwelcome sexual advances, requests for sexual favors, sexual demands, or other verbal, physical or visual conduct of a sexual nature when it unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment.

Such acts are considered sexual harassment when:

1. Submission to such conduct is either an explicit or implicit term or condition of employment.
2. Submission to, or rejection of, such conduct is used as a basis for an employment decision affecting the individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

There are two distinct forms of sexual harassment:

1. **Quid Pro Quo** (Latin, meaning "this for that") or conditional sexual harassment – When employment decisions are based on an employee's acceptance or rejection of unwelcome sexual advances or requests for sexual favors. For example, an employee is fired or denied a job or employment benefits because he/she refused to grant sexual favors.
2. **Hostile Work Environment** – A work atmosphere created by unwelcome sexual behavior or offensive, hostile and/or intimidating behavior directed at an employee because of that employee's sex. Hostile work environment sexual harassment is sexual conduct that does not directly threaten the denial of an employment benefit, but interferes with an individual's ability to perform his or her job, and/or is conduct that offends an individual and affects his or her emotional well being.

A single incident involving unwelcome sexual behavior is harassment, but may not necessarily serve as a basis for a hostile work environment complaint unless it is either severe or repeated, and management does nothing to stop the behavior.

The Fair Employment and Housing Commission, California appellate courts, and the Ninth Circuit Court apply the standard of **a reasonable person of the same gender as the complainant** to their evaluation of whether the conduct is severe or pervasive enough to create a hostile work environment. This standard, known as the Ellison Standard after the precedential court case of this name, recognizes that men and women react differently to unwanted sexual conduct. It acknowledges that conduct that many men consider harmless is often objectionable and offensive to the "reasonable woman." The Ellison Standard instructs the fact-finder to evaluate the unwanted sexual conduct in light of the gender-specific experiences and perspective of the victim.

Intent vs. Impact - Whether the conduct is considered unwelcome is determined by the recipient of the behavior. The intent of the alleged harasser is irrelevant. Therefore, it is the **impact** of the behavior and the victim's perception of the situation, not the **intent** of the alleged harasser that determines if sexual harassment has occurred.

**Types of
Sexual
Harassment**

Sexual harassment is behavior that threatens, intimidates, humiliates, embarrasses or irritates.

Types of prohibited sexual harassment include, but are not limited to the following:

Type	Example
<u>Written</u>	Sexually aggressive or obscene letters, notes, e-mail messages, or invitations.
<u>Visual</u>	<p>Leering or making sexual gestures.</p> <p>Displaying sexually suggestive objects, pictures, cartoons, posters, or drawings in hard copy or on-line.</p> <p>Using DCA computers to e-mail, display, or otherwise make available material that contains obscene, pornographic, sexually oriented, offensive, or otherwise sexually biased or discriminatory information.</p>
<u>Verbal</u>	<ul style="list-style-type: none">• Sexually derogatory comments, slurs, jokes, remarks, invitations, or epithets.• Using sexually patronizing terms such as “honey,” “doll,” or “babe.”• Making verbal sexual advances or propositions. <p>Note: It is not necessary to use graphic or sexually explicit language to verbally harass someone. Otherwise gender neutral language, spoken in a suggestive tone of voice or accompanied by visual or physical harassment, can also be considered sexual harassment.</p>
<u>Physical</u>	<ul style="list-style-type: none">• Sexual assault• Attempted rape• Impeding or blocking movements• Touching, or indecent exposure <p>Such conduct, even in a single incident, may constitute actionable sexual harassment or criminal conduct. Criminal violations should be reported immediately to the proper law enforcement authorities. Common physical gestures like hugging or other physical contact can be properly taken in context with other comments and/or behaviors.</p>
<u>Other</u>	<ul style="list-style-type: none">• Sexual advances which are unwanted (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal);• Implying or actually withholding support for appointment, promotion, transfer or change of assignment; initiating a rejection on probation or adverse action; or suggesting that a poor performance report will be prepared if requests for sexual favors are not met;• Reprisals or threats after a negative response to sexual advances;• Hazing of employees in the work environment. This may include being dared or asked to perform unsafe work practices, or having tools and equipment stolen, moved, etc. because of a person's gender or sexual orientation;• Causing an employee to feel stressed about a situation involving unwelcome behavior of a sexual nature.

**Definition of
Sex and
Gender:**

Sex includes, but is not limited to pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. Sex also includes, but is not limited to, a person's gender.

Gender is defined as the employee's or applicant's actual sex or the employer's perception of the employee or applicant's sex, and includes the employer's perception of the employee's or applicant's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the employee or applicant's sex at birth.

Sexual orientation means heterosexuality, homosexuality, and bisexuality.

**Roles and
Responsibilities**

Government Code Section 12940(I) requires an entity to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventative measures, the employer can be held liable for the harassment. DCA managers and supervisors who do not enforce a work environment free of sexual harassment, or who do not provide adequate guidance and assistance to employees are subject to disciplinary action.

Department

The Department is responsible for:

- The actions of managers and supervisors, and for acts of other employees and non-employees if management knew or should have known of such acts and failed to take immediate and appropriate action;
 - Ensuring that all employees are informed of DCA's discrimination complaint process and sexual harassment prevention policy prior to the need to know, and again when a complaint is brought forth;
 - Providing complainants an opportunity to discuss the matter with a trained Equal Employment Opportunity (EEO) Counselor/Specialist;
 - Investigating complaints of sexual harassment in a timely, thorough and confidential manner;
 - Taking appropriate action against the harasser where a violation of the policy has occurred or sexual harassment is found;
 - Taking action to remedy the situation in a manner which protects potential future victims;
 - Protecting the employee(s) complaining of harassment from any form of reprisal/retaliation;
 - Annually providing to all employees a copy of the ***Sexual Harassment Prevention Policy*** and ***Discrimination Policy and Complaint Procedures*** in a manner that ensures receipt of the notice;
 - Conducting or sponsoring mandatory sexual harassment prevention training. Managers and supervisors are required to attend training on a more frequent basis than rank-and-file employees. The EEO Office will determine the training cycle and announce the mandatory classes for all employees.
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Managers and Supervisors

All managers and supervisors have a responsibility to:

- Follow the **Procedures for Reporting a Sexual Harassment Discrimination Complaint** section listed in this document when employees report complaints of sexual harassment;
- On an **annual basis**, ensure that all employees are informed about, as well as have possession of, DCA's ***Discrimination Policy and Complaint Procedures*** and ***Sexual Harassment Prevention Policy*** prior to the need to know, and again when a complaint is brought forth;
- After each annual review of the policies, ensure that each employee reads and signs the "Acknowledgement of Receipt and Understanding" forms for each EEO policy and sends the forms to the EEO Office;
- Ensure that they and all subordinate managers/supervisors and employees attend **mandatory** sexual harassment prevention training;
- Establish and maintain a working environment that is free from discrimination, intimidation, ridicule, and insult;
- Take immediate and appropriate corrective action to prevent or stop sexual harassment. This responsibility applies even if the complaint is withdrawn or if the complainant requests that no action be taken. Once a manager/supervisor has knowledge of an alleged act of sexual harassment, he/she has a duty to follow through with a preliminary investigation and **immediately notify the EEO Office for direction**;
- Make best efforts to ensure that complaints (formal or informal) are investigated in a timely, thorough, and confidential manner and are **immediately** reported to the EEO Office.

Under State law, managers/supervisors who engage in sexual harassment may be held **personally** liable for harassment.

Employees

Under State law, any person (employee) may be personally liable for his/her own acts of unlawful harassment, including harassment based on sex or gender per Government Code Section 12940 (h). This means that a co-worker who harasses his or her colleagues may have a judgement levied against his or her own assets. Therefore, each employee has the responsibility not to engage in sexually harassing conduct.

All employees who perceive they are victims of sexually harassing behavior should understand the importance of promptly informing the individual(s) that his/her behavior is unwelcome, offensive, in poor taste, or highly inappropriate. Any employee who perceives the comments, gestures, or actions of another employee or supervisor to be sexually harassing should communicate to that person that such behavior is unwelcome. However, failure to express unwelcomeness does not prevent the employee from filing a complaint nor does it in any way exonerate the harasser.

Any employee, including a supervisor, who believes he/she has been sexually harassed or asked to perform a sexual favor, should immediately report the incident **to a supervisor**. If the harasser is the employee's supervisor or if the employee does

not feel that the situation was adequately resolved, he/she should report the incident(s) to a higher level supervisor or to the EEO Office.

Any employee who witnesses this type of behavior is strongly encouraged to report it to an appropriate supervisor. If the harasser is an employee's immediate supervisor, the witness should support the harassed employee in reporting the incident to another supervisor or to the EEO Office.

If the harasser is an employee of another agency (Board, Bureau, Commission, Division), another department in State government, or a non-employee, the harassed employee, and any employee witnessing the incident, is strongly encouraged to report the incident to the EEO Office.

**Procedures for
Reporting a
Sexual
Harassment
Discrimination
Complaint**

Filing a Complaint

Any employee who believes he/she has been sexually harassed may use the discrimination complaint process provided by DCA's EEO Office. Complaints of sexual harassment must be in writing and should be filed in accordance with the ***Discrimination Policy and Complaint Procedures***. The EEO Office has jurisdiction over a complaint if the last incident occurred within 365 days of filing.

Employees who believe they are or have been the victims of sexual harassment should report the incident promptly to their supervisors. The employee's supervisor will follow the Department's procedures to conduct a preliminary investigation of the incident and report it immediately to the EEO Office for direction.

If the alleged harasser is the employee's supervisor, the employee should immediately contact either a higher level manager/supervisor or the EEO Office.

Employees may file a written complaint directly with the DCA's EEO Office using the attached ***Discrimination Complaint Form (DCA 99K-60)*** which was revised 03/01. Employees may also concurrently file a complaint with the California Department of Fair Employment and Housing (365-day filing period), and/or the Federal Equal Employment Opportunity Commission (300-day filing period).

All criteria, including timelines and the appeal process, as specified in the ***Discrimination Policy and Complaint Procedures***, will be followed to investigate and resolve complaints of sexual harassment.

The EEO Office is responsible for providing leadership in resolving informal and formal complaints of discrimination by working with complainants, providing EEO counseling, and/or investigating complaints as necessary. A complaint can be received formally or informally, directly from the complainant, with or without the supervisor's knowledge.

A supervisor must forward a complaint of sexual harassment to the EEO Office for investigation after his/her initial review or preliminary investigation.

A third party (a witness to an incident who is offended by the conduct) can also bring a complaint to the attention of the EEO Office.

- **Contact the EEO Office immediately** to discuss the incident and your actions to date. You may be advised to meet with the alleged harasser and to put him/her on notice to immediately stop the alleged behavior. Give the alleged harasser copies of the EEO policies.
 - Provide a copy of your preliminary investigation report to the EEO Office, regardless of the findings.
 - Cooperate fully with the EEO Office if a formal investigation is initiated to determine the pervasiveness or severity of the alleged harassment.
 - In conjunction with the EEO Office, initiate appropriate and immediate action against the alleged harasser (respondent) where sexual harassment is found.
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Consequences

Violators of this policy will be subject to immediate disciplinary action, which may include letters of reprimand, suspension, demotion and/or dismissal. The violator may also be subject to civil liability.

The Department also recognizes that false accusations of sexual harassment can have a serious effect on an innocent person's reputation and character and, therefore, any individual found to have filed a false accusation/complaint may also be subject to disciplinary action. Each complaint will be evaluated on a case-by-case basis.

All employees who testify in EEO investigations are required to cooperate with the investigation and to tell the truth. Employees who do not cooperate or who compromise the integrity of the investigation by violating confidentiality may be subject to disciplinary action.

Supervisors/managers may be subject to disciplinary action for failure to take appropriate and expedient corrective action to ensure a safe work place.

Revision

Determination of the need for revision of this policy is the responsibility of the Chief, Equal Employment Opportunity (EEO) Office. Questions about the status or maintenance of this policy should be directed to the Policy, Research and Planning Program at (916) 327-6051. Questions about specific sexual harassment issues should be directed to the EEO Office at (916) 322-9861 or to the EEO hotline at 1-(888) 226-5001.

Attachments

Attached are the following:

- *EEO Discrimination Complaint Form, DCA 99K-60 (Rev. 03/01)*
- *Discrimination Complaint Process Statement of Rights Form, DCA 99K-70, (Rev. 03/01)*
- *Annual Acknowledgement of Receipt and Understanding of the Sexual Harassment Prevention Policy Form, DCA 99K-80 (Rev. 10/03)*

Every employee must acknowledge that he/she has read and understood this policy **on an annual basis**. Please complete, sign and date the acknowledgement form and return it to the EEO Office as indicated on the form.

Responding to Complaints:

The EEO Office is responsible for developing and implementing a plan to resolve discrimination complaints. Based on the nature of the allegations, the plan can include: (1) EEO counseling, (2) informal complaint resolution procedures, or (3) formal complaint investigation and findings.

Throughout the investigation, only people who have a business need to know will be informed of the investigation and everyone with whom the investigator talks will be required to keep the investigation confidential.

Role of the Manager/Supervisor in Complaints of Sexual Harassment:

When a complaint of sexual harassment is brought to the attention of a manager/supervisor, it is the manager's/supervisor's responsibility to:

- Listen to the complaint as soon as it is brought to your attention. Do not postpone the meeting with the alleged victim.
 - Do not promise confidentiality or anonymity, although you can promise discretion. Inform the employee that the Department must take appropriate action even if the employee insists that no investigation occur or that nothing be done.
 - Permit the employee to tell his/her story without interruption.
 - Listen objectively. Do not judge the employee or imply that the employee may have "asked for it" or invited the alleged advances or conduct.
 - Document the incident. Obtain the details of the alleged harassment, the names of possible witnesses, and a description of how the alleged harassment affected the employee's well being and work environment. Ask for any documentation from the complainant to support the allegations.
 - Ask the employee to describe his/her current and/or former relationship with the alleged harasser and whether that person is a co-worker, supervisor, subordinate, or friend. Determine if the parties have had any other difficulties working together.
 - Ask the employee if he/she objected verbally to the alleged conduct or indicated to the alleged harasser that the conduct was unwanted or unwelcome.
 - Determine the remedy sought by the employee.
 - Assure the employee that you take the matter seriously and will make an immediate inquiry into the allegation. Notify the employee that you will contact and seek the assistance of the DCA's EEO Office.
 - Advise the employee of his/her right to file a formal discrimination complaint. Provide the employee with a copy of the Department's ***Sexual Harassment Prevention Policy and the Discrimination Policy & Complaint Procedures***, including the ***Statement of Rights (99K-70)***.
 - Remind the employee of his/her right to be free from reprisal/retaliation for complaining. Advise the employee that he/she should immediately bring any incidents of reprisal/retaliation to your attention.
 - Advise the employee of his/her right to use the services of the Employee Assistance Program (EAP). Document the reminder.
 - Record and document the complaint and perform an immediate preliminary investigation to determine the validity of the complaint. Document all reminders that the employee has a right to file a formal discrimination complaint, the right to be free from retaliation, and the right to a harassment free work environment.
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EQUAL EMPLOYMENT OPPORTUNITY (EEO) OFFICE DISCRIMINATION COMPLAINT FORM

☐ INFORMAL

☐ FORMAL

Instructions: This form must be filed with the Department of Consumer Affairs (DCA) Equal Employment Opportunity (EEO) Office within 365 days of the last incident of discrimination.
Submit form to DCA EEO Office, 400 R STREET, Suite 3130, Sacramento, CA 95814.

I. COMPLAINANT INFORMATION:

Name:	Classification:
Office:	Unit or Section:
Work Address:	Work Telephone: ()
Home Address:	Home Telephone: ()
Immediate Supervisor:	

II. BASIS OF DISCRIMINATION: Check appropriate box(es).

<input type="checkbox"/> Age (40 years or older)	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Race	<input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Ancestry	<input type="checkbox"/> National Origin	<input type="checkbox"/> Religion	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Color (Skin color)	<input type="checkbox"/> Political Affiliation/Opinion	<input type="checkbox"/> Retaliation	<input type="checkbox"/> Medical Condition
<input type="checkbox"/> Disability	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sex (Gender)	<input type="checkbox"/> Harassment (Specify basis)

III. PERSON (S) RESPONSIBLE FOR THE ALLEGED ACTION:

NAME	CLASSIFICATION	WORK LOCATION	PHONE NUMBER

-Over-

IV. DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE:

DAY _____ *MONTH* _____ *YEAR* _____

V. DESCRIPTION OF DISCRIMINATION: *Describe fully the alleged discriminatory act and/or violation. Provide what reason or evidence you have to support your feeling that discrimination occurred. Please include dates. (Attach additional pages, if necessary.)*

VI. PERSON (S) WHO HAVE INFORMATION OR KNOWLEDGE OF THE ALLEGED DISCRIMINATION: *List name (s) of witness (es).*

<i>NAME</i>	<i>CLASS</i>	<i>WORK #</i>

VII. REMEDY REQUESTED: *Describe your desired outcome.*

VIII. COMPLAINANT SIGNATURE:

I believe the foregoing to be true and correct to the best of my knowledge.

Complainant's Signature

Date

DISCRIMINATION COMPLAINT PROCESS STATEMENT OF RIGHTS

With regard to compliance of discrimination, all employees are assured of the following rights:

1. The right to an informal, confidential presentation of the complaint to a qualified EEO Counselor/EEO Specialist, using a reasonable amount of State time.
2. The right to a confidential complaint until:
 - Such time as the complainant gives permission to release information in order to bring the complaint to the appropriate authority for remedy; or
 - Such time as a formal complaint is filed; or
 - Such time as appropriate action must be taken to resolve the situation.

In some cases, (i.e., sexual harassment), the complainant should be aware that complete confidentiality cannot be assured because of the legal obligation to take immediate and corrective action.

3. The right to a full, impartial, and prompt investigation by a trained EEO Specialist, if a formal complaint is filed.
4. The right to a notification of the findings.
5. The right to a timely decision from the appointing power, or authority designated by the appointing power, after full consideration of all relevant facts and circumstances.
6. The right to representation by a person of the complainant's own choosing at each step of the process.
7. The right to file concurrent complaints with the Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH), and the State Personnel Board (SPB), or other appropriate State and Federal compliance agencies; or to file a civil action in the appropriate court.
8. The right to appeal the appointing power's decision to the SPB, Appeals Division.
9. Freedom from influence to refrain from filing a complaint, and freedom from reprisal/retaliation for opposing discrimination and filing a complaint. Complaints of reprisal/retaliation may be filed directly with the SPB.

A complainant is obligated to provide accurate and factual information during all phases of the complaint process.

I have read and understand these rights.

Complainant's Signature _____

Date: _____ ***Board/Bureau/Division/Program*** _____

ANNUAL
ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF
SEXUAL HARASSMENT PREVENTION POLICY

This is to acknowledge receipt of the Department's Sexual Harassment Prevention Policy.

I have read this policy and understand that:

- 1) Every employee has the right to work in an environment free from sexual harassment;
- 2) I have a responsibility not to engage in behaviors that constitute sexual harassment;
- 3) If I feel I am being harassed, I have the right, and understand that the Department strongly encourages me, to either communicate this directly to the harasser, to my supervisor, to a non-involved supervisor/manager, or to the Department's Equal Employment Opportunity (EEO) Office;
- 4) I have the right to file a sexual harassment complaint without threat of reprisal or retaliation.

(Printed Name)

(Signature) Please complete in Ink

(Date)

Board/Bureau/Division/Program

COMPLETED FORM SHOULD BE RETURNED TO:

Department of Consumer Affairs
Equal Employment Opportunity (EEO) Office
400 R Street, Suite 3130
Sacramento, CA 95814

Note: This document will be inserted into your Official Personnel File.